IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 8072 of 2006(J)

PETITIONER:

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1. SUNNY THOMAS, S/O.THOMAS, AGED 41,
   PALAKKATTUKUNNEL HOUSE, EDAMARUKU P.O.,
   MELUKAVUMATTOM VIA, KOTTAYAM DIST.

2. MERCY SUNNY, W/O.SUNNY THOMAS,
   OF DO. DO.

3. ANNAMMA THOMAS, W/O.LATE THOMAS,
   DO. DO.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

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1. MEENACHIL EAST URBAN CO-OPERATIVE
   BANK LTD. NO.4266, POONJAR, THEKKEKARA,
   KOTTAYAM DIST, P.O.REP.BY ITS GENERAL MANAGER.

2. SPECIAL SALE OFFICER, MEENACHIL,
   EAST URBAN CO-OPERATIVE BANK LTD.NO.4266,
   POONJAR THEKKEKARA P.O., KOTTAYAM DISTRICT.

3. SECRETARY TO CO-OPERATION,
   SECRETARIAT, TRIVANDRUM.

4. REGISTRAR OF CO-OPERATIVE SOCIETIES
   (GENERAL, SECRETARIAT, TRIVANDRUM.

5. JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), COLLECTORATE,
   KOTTAYAM.

BY ADV. SRI.K.G.ANIL BABU FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).8072/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE SALE NOTICE ISSUED BY THE SECOND RESPONDENT FOR SELLING THE PETITIONERS' PROPERTY DATED 14.2.2006 FOR THERECOVERY OF RS.391804

EXT.P2- TRUE COPY OF THE SALE NOTICE ISSUED BY THE SECOND RESPONDENT DATED 14.2.2006

EXT.P3- TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE RESPONDENTS 3 TO 5 DATED 10.3.2006

RESPONDENT'S EXHIBITS

EXT.R1(a)- THE TRUE COPY OF THE ORDER IN W.P.(C).29931/2005 DATED 4.1.2006 BEFORE THE HIGH COURT OF KERALA, EKM

EXT.R1(b)- THE TRUE COPY OF THE JUDGMENT IN W.P.(C).29931/05 DATED 4.1.2006 BEFORE THE HIGH COURT OF KERALA, EKM.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 8072/2006

Dated this the 11th day of January, 2007

JUDGMENT

The writ petitioners are defaulters to the first respondent, Urban Co-operative Bank. They had been proceeded against, as an amount of Rs.8,80,033/- is due as on 24.5.2006, the date of filing of the counter by the first respondent.

2. This writ petition was filed on 16.3.2006. After ordering notice, an interim stay for three months was granted, on condition of the petitioner remitting an amount of Rs.1,50,000/- on or before 20.3.2006 and also directed to make further remittance of Rs.1,00,000/- each, on 30.4.2006 and on 30.5.2006.

3. The learned counsel for the first respondent submits that no amount had so far been paid. Through counter, the counsel also brought to my notice that the writ petitioners had preferred different writ petitions in the earlier occasions and after obtaining the interim

orders, the same had not been complied with whenever the first respondent opposed the continuance of the stay granted.

4. When this writ petition came up for consideration, the learned counsel for the petitioners submits that the petition is not pressed. It was on that occasion, the counsel for the first respondent brought to my notice that the petitioner had preferred W.P.(C). No.29587/2004. An interim stay was granted on 8.10.2004, with a direction to remit Rs.75,000/-. But the same had not been remitted so far, submits the counsel. Similarly another writ petition, W.P.(C). 29931/2005, was filed after suppressing the filing of the earlier writ petition. In that petition also, an interim stay was granted on 25.10.2005. But the same had not been complied with. Therefore, after hearing all concerned, the learned single Judge of this Court had dismissed the said writ petition on 4.1.2006. The counsel submits that though an interim order had been obtained in this writ petition as well, no amount had so far been

paid. The counsel for the first respondent, therefore, submits that a direction may be issued to the writ petitioners to pay back the entire amount due from them, as the One Time Settlement allowed was also not availed off by them.

5. In the above facts situation, I find there is no point that arises for consideration, in this writ petition. The writ petitioners are directed to approach the first respondent, bank, and either pay the amount due to the first respondent or settle the matter as per the law, without unnecessarily preferring the writ petitions repeatedly. However in the circumstances of this case, I am not imposing any cost on the writ petitioners.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs